

EXHIBIT D

From: [Alexander Sperber](#)
To: [Phillip Rakhunov](#)
Cc: [Avram Frisch](#); [Lauren Riddle](#); [Yisroel Steinberg](#)
Subject: Re: Deposition Scheduling
Date: Wednesday, October 4, 2023 4:55:50 PM
Attachments: [5529.0002 Third Request for Production.pdf](#)

Phil,

1) Regarding the document labeled Adorama & Kitchen Winners NY Inc. 000235, the entire chain was inadvertently produced and is being recalled. The bottom email is an email from me to Joseph Weiner, Joseph Mendlowitz, and my associate Yisroel Steinberg. That email appears to have been forwarded internally by Mr. Weiner, and the top email is an email from Mr. Weiner to me and Mr. Steinberg. Accordingly, we are recalling the email and its attachments. Please delete any records of the email in your system. We will reproduce the unprivileged attachments separately.

2) Please explain what specifically you are looking for in regards to "documents concerning . . . corporate structures and formation; financial statements and bank accounts." Please also explain why you believe these documents are relevant to, or would shed any light on, your alter ego claims. What do you believe the bank account records of Adorama would show that would be in any way relevant? We may be amenable to more specific requests, provided you can show some relevance to the claims at issue.

3) Regarding the "contracts or evidence of financial transactions between KW/Adorama and Arik Maimon," we are working to locate the documents that you requested. If they can be located, they will be produced.

4) Regarding trucking and related invoices, as noted above we will reproduce the unprivileged attachments to Adorama & Kitchen Winners NY Inc. 000235. We will also produce any and all other trucking invoices for which Kitchen Winners is seeking reimbursement.

5) Mendel Banon is willing to reschedule his deposition. Please provide dates that you would be available to take the depositions of Mendel Banon, Hershey Weiner, and Joseph Mendlowitz.

6) I am following up on our prior notice of deposition for Ana Gajic. Please confirm dates when she would be available to appear.

7) Please find attached supplemental discovery requests.

8) We have been reviewing Mr. Weiner's emails, as previously discussed. (As I noted on our prior phone call, we will not be conducting a review of Mr. Mendlowitz's emails absent a showing that his production is deficient.) At this point our goal is to produce a first batch of emails to you by the end of this week; a second production on Monday; and any additional documents by the end of next week.

Alex

Alexander J. Sperber

From: [Alexander Sperber](#)
To: [Phillip Rakhunov](#)
Cc: [Avram Frisch](#); [Yisroel Steinberg](#); [Lauren Riddle](#)
Subject: Re: Depositions etc.
Date: Thursday, October 19, 2023 7:29:52 PM

Phil,

We just sent you an additional production of emails. I am pressing to make sure that anything left is produced as soon as possible.

Regarding the deposition of Mr. Stern, I would propose agreeing to an additional 1.5 hours to complete the deposition, which we will split evenly (45 minutes each).

Mr. Mendlowitz is available for his deposition on 10/26. Please confirm that date works for you.

I will try to get back to you tomorrow regarding Mr. Banon, and will speak with Mr. Zirkind to find out his availability for a remote deposition.

I am available the entire week of 10/30 for depositions, as my trial has been cancelled. I would suggest scheduling Mr. Weiner for 11/02. Please let me know if Ms. Gajic is available any day that week.

I have not yet received any documents from any of the third-parties that we subpoenaed, except for Medline.

Best,
Alex

Alexander J. Sperber

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On Wed, Oct 18, 2023 at 10:54 AM Phillip Rakhunov <prakhunov@psdfirm.com> wrote:

Alex and Avi,

I am writing regarding depositions and other outstanding discovery issues:

1. We need to complete the deposition of Mr. Stern. I anticipate another hour of

questioning and I understand that Alex has about an hour as well. As you saw from Ms. Oliveri's email this morning, we had 3:07 on the record on Monday, and I understand we had about 3:45 on the record on Friday.

Avi – will you agree to make Mr. Stern available for additional time without motion practice? I have reviewed the rules and caselaw on this issue, and this is precisely the situation (questioning of a witness by multiple adverse parties) where courts routinely allow depositions to exceed 7 hours. In my view, this should not be a controversial issue, but if we need to seek guidance from the Court please let me know immediately.

2. Alex – we are reviewing your productions, the most recent of which we received on Friday. Is it your position that Adorama and Kitchen Winners' supplemental document discovery is now complete or are we expecting additional documents? Obviously we reserve the right to raise any additional deficiencies.
3. When is Mr. Banon going to produce documents? You have been promising them for weeks and yet we have not received anything to my knowledge.
4. For Mr. Weiner, Adorama/Kitchen Winners, Mr. Banon, and Mr. Mendlowitz, we could do those depositions on any of 10/25, 10/26, 11/14, 11/15, or 11/16 (subject to Medline's availability). As I have mentioned before, I have a one-week trial the week of November 6, so I cannot do anything that week. If we need to take any of the witnesses past the discovery deadline, I would agree to do so and to ask the Court jointly for a limited extension of discovery for that purpose.
5. Yeshayahu Baruch Zirkind – his deposition needs to be scheduled as well. I understand his travel plans and availability have been impacted by the recent war. Please provide us with available dates even if past the discovery deadline, and we can ask the court for leave to complete his deposition.
6. Ana Gajic. Please let us know a few mornings (afternoons in UK) when you want to take her deposition.
7. Third party discovery. Other than Medline and Ascension, there are multiple third-party subpoenas outstanding. On our end, we are awaiting responses and/or deposition availability from Avrio Logistics, Ironlink, Arik Maimon, Ms. Li, AMCM Glove, UL LLC, ACL America. I recall you also subpoenaed ACL America – have they produced anything to you? Please let me know if I am missing any other third parties.

Let me know if we should get on a call today or tomorrow to discuss these issues.

Thanks,

Phil

PHILLIP RAKHUNOV

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On Wed, Oct 4, 2023 at 11:10 AM Phillip Rakhunov <prakhunov@psdfirm.com> wrote:

Alex,

In addition to alternate dates for Banon, Mendlowitz and Weiner, please provide potential dates for Yeshayahu Baruch Zirkind, who was identified in your 9/20 supplemental disclosure. As you are working on a supplemental production, I also want to bring a few additional discovery issues to your attention that we need to either promptly resolve or bring to the court's attention:

1. Document labelled Adorama & Kitchen Winners NY Inc.000235, contains a redacted message dated Wednesday, May 17, 2023 at 4:06 A.M. We have not seen any log that identifies the grounds for this redaction or includes information sufficient for us to ascertain the basis or validity of any privilege claim over this document. Please produce unredacted or provide a log identifying the grounds for the redaction.
2. Adorama and KW have both refused produce documents concerning their respective corporate structures and formation; financial statements and bank accounts. These materials are directly relevant to, among other things, our alter-ego claims.
3. We have yet to see any contracts or evidence of financial transactions between KW/Adorama and Arik Maimon. I was under the impression that you were looking for those documents last time this issue came up, but please confirm if your clients are willing to produce them, as we know they exist.
4. We have still not seen the trucking invoices underlying the schedules produced in discovery that appear to form the basis of your client's affirmative claims against Rock Fintek. Please produce those as soon as possible.

Are you available tomorrow (Thursday) afternoon to meet and confer regarding these topics?

Thanks,

Phil

From: Alexander Sperber <asperber@lipsiuslaw.com>
Sent: Tuesday, October 3, 2023 7:15 PM
To: Phillip Rakhunov <prakhunov@psdfirm.com>
Cc: Avram Frisch <frischa@avifrischlaw.com>; Lauren Riddle <lriddle@psdfirm.com>;
Yisroel Steinberg <ysteinberg@lipsiuslaw.com>
Subject: Re: Deposition Scheduling

No problem moving the Mendlowitz deposition to later in October, as well. I am still trying to get in touch with Mendel Banon, and hopefully will have more for you on that tomorrow, as well as an update on the documents.

Alex

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On Fri, Sep 29, 2023 at 11:38 AM Alexander Sperber <asperber@lipsiuslaw.com> wrote:

Phil,

We had some technical issues getting access to Mr. Weiner's emails earlier in the week, but that issue has been resolved and we are in the process of reviewing them. I should have an update for you early next week.

I will have to get back to you next week about potential new deposition dates for those individuals. I believe that it will not be a problem to move Mr. Weiner's deposition, but I have to check about the other two.

Alex

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On Fri, Sep 29, 2023 at 9:34 AM Phillip Rakhunov <prakhunov@psdfirm.com> wrote:

Alex,

Can you provide us an update with respect to timing and anticipated volume of a supplemental production?

And please get us new potential deposition dates for Mendlowitz/Banon/Weiner. 10/24-10/27, and/or 10/31 still seem to work on my end.

Thanks,

Phil

From: Avram Frisch <frischa@avifrischlaw.com>
Sent: Tuesday, September 26, 2023 10:23 AM
To: Phillip Rakhunov <prakhunov@psdfirm.com>; asperber@lipsiuslaw.com
Cc: Lauren Riddle <lriddle@psdfirm.com>
Subject: Re: Deposition Scheduling

Stern can go forward as scheduled and if we need to continue we will set a date from there

Avi Frisch

The Law Office of Avram E. Frisch LLC

201-289-5352

From: Phillip Rakhunov <prakhunov@psdfirm.com>
Sent: Tuesday, September 26, 2023 10:18:26 AM
To: asperber@lipsiuslaw.com <asperber@lipsiuslaw.com>; Avram Frisch <frischa@avifrischlaw.com>
Cc: Lauren Riddle <lriddle@psdfirm.com>
Subject: Deposition Scheduling

Avi and Alex, I trust you saw the order granting extensions we requested. Below is a list of outstanding depositions and my thoughts on each one. Let me know if I am missing anything, etc.

1. Kato/RF 30(b)6. 10/3. No changes.
2. Stern/JNS. 10/13. We cannot move it entirely to 10/16 as we have an expert deposition in another case starting at 1 pm. We can, however, start on 10/13 and then finish up on 10/16 in the morning if we are not done. If you would rather set aside one full day, let me know some proposed dates.
3. Mendlowitz/Banon/Weiner. In anticipation of additional documents, including an initial production from Banon, please provide new dates for these depositions. I suggest 10/24-10/27, and/or 10/31.
4. Medline – no date is set.
5. Ascension – no date is set. Perhaps we can try for the week of 10/10?
6. Ironlink – we may only want documents, but are still awaiting a substantive response.
7. Ms. Li – no response yet to subpoena.

8. Arik Maimon – no response yet, but we are only looking for documents.
9. AMCM Glove – subpoena out for service.

Phil

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Avi Frisch

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